

REMARKS

In the above-identified Office Action, the Examiner has objected to claims 1, 14 and 19 because of certain noted informalities regarding parentheses. The parentheses have been removed and accordingly this objection is considered obviated.

In addition, claims 1-10 and 13 to 21 have been objected to because of the existence of reference numbers. While Applicant does not believe such to be necessary as reference numbers are generally accepted under U.S. practice, Applicant has removed the reference numbers and accordingly, this objection is considered obviated.

In addition, claims 6, 8 and 10 have been rejected as indefinite for use of the word "*the digital adder*" in claim 6, the Examiner stating there is insufficient antecedent basis in claim 6 for such a term. Applicant has amended the phrase so that it is now recited in a positive manner and accordingly, claim 6 is now considered acceptable.

Claims 8 and 9-10 have also been rejected on the basis of antecedent basis. Claim 8 has been amended in a manner similar to claim 6 so as to recite the elements in a positive manner. Accordingly, claim 8 is now considered acceptable.

Claims 9 to 10 have been rejected for recitation of the limitation of the analog/digital converter. Since Applicant has amended claim 1 to include the limitations of claim 2, amended claim 1 therefore now recites the analog/digital converter and antecedent basis is thereby provided for such term in claims 9 and 10.

Claims 1-2, 6-7, 11-17 and 21 have been rejected as being anticipated by Rybicki et al. Applicant disagrees with the Examiner's conclusion in this regard.

In FIG. 3 of Rybicki et al, a splitter 44 is shown which is provided to separate ADSL signals from ISDN signals. In the path for ADSL signals an ADSL transceiver 34 is provided that shifts or modifies the upstream ADSL signal up to a higher frequency band than that used by an ISDN network (column 5, lines 24-27). FIG. 4 refers to the ADSL transceiver as ADSL transmitter 100. The ADSL transmitter 100 comprises a high pass filter and a digital analog converter 118.

None of the embodiments of Rybicki's ADSL transmitter teach a digital low pass filter to separate voice signals for later use. There are only high pass filters provided for blocking such low frequency voice signals.

In fact, the separation of the low frequency signals and the high frequency signals is provided by the splitter 36, 44. Rybicki remains silent on the construction of such splitters, and in particular gives no suggestion that such splitters can be provided with a digital frequency separating filter. The splitter 36, 44 is formed with analog elements, as analog signals are transmitted to the ADSL transmitter. Thus, the splitter cannot be easily adapted to different specifications of the frequency bands of ISDN and ADSL signals.

Applicants have combined claim 1 with claim 2, thereby reciting the feature that the digital frequency separating filter separates the digital receives signal into a first digital voice signal and a first digital data signal. New claim 1 specifically recites that the digital frequency separating filter combines a digital voice signal and a digital data signal. This feature alone is neither obvious nor suggested by Rybicki while also clarifying subject matter on which the scope of patent protection is desired. Further, contrary to the Examiner's statements, FIG. 4 does not show an ADC nor a digital receive signal which is separated into a first digital voice signal and a first digital data signal. Applicant assumes that the Examiner is referring to splitter 44 of FIG. 3, which is disclosed as splitting received ISDN and ADSL signals to the appropriate corresponding receiver. This does not teach the separation of the signal into a digital voice signal and a digital data signal. Accordingly, claim 1 as amended, is patentable over Rybicki et al. All other claims being dependent upon claim 1, at least ultimately, should be patentable as well.

With regard to the rejections under 35 U.S.C. §103(a), Applicants note that neither Russell nor Xu disclose structure relating to the missing structure set forth above and thus cannot teach or suggest in a manner as would render the subject invention obvious.

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,
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